

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN CHANEY,

Plaintiff,

No. 21-11662

v.

Honorable Nancy G. Edmunds

KEEGO HARBOR POLICE DEPARTMENT,
and OFFICER RICHARD LINDQUIST,

Defendants.

ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIMS

Plaintiff Brian Chaney brings this civil rights lawsuit against the Keego Harbor Police Department and Officer Richard Lindquist. (ECF No. 4.) Plaintiff alleges violations of the United States Constitution and 42 U.S.C. § 1983. He also brings state law claims of assault and battery and intentional infliction of emotional distress.

Since the parties to this matter are non-diverse, this Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims so as to avoid jury confusion. *See* 28 U.S.C. § 1367(c)(4); *Moor v. Cty. of Alameda*, 411 U.S. 693, 716 (1973); *Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994). Thus, pursuant to § 1367(c), all of Plaintiff's claims based on state law, including the claims found in Counts IV and V of his complaint, are hereby DISMISSED WITHOUT PREJUDICE. The Court will retain jurisdiction over Plaintiff's federal claims only.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: September 10, 2021

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 10, 2021, by electronic and/or ordinary mail.

s/Lisa Wagner for Lisa Bartlett
Case Manager